

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-24 were pending prior to the Office Action. Claims 25-40 have been added through this Reply. Therefore, claims 1-40 are pending. Claims 1, 9, 17, 21, 25, 28, 34, 35, 36, 37, 38, 39 and 40 are independent.

§ 102 REJECTION – BRAIS, ANDERSON

Claims 1-9 and 12-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Brais et al. (U.S. Patent No. 5,995,936) in view of Anderson et al. (U.S. Patent No. 5,790,878). *See Office Action, Items 2-3.* Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

For example, independent claim 1 recites, in part “a mode selection unit for selecting a voice recording mode or a character recording mode,” “a voice

recording controller for recording the voice data output from said voice input unit on the recording medium in response to a selection of the voice recording mode by said mode selection unit” and “a character recording controller for recording the character data generated by said character data generating unit on the recording medium in response to a selection of the character recording mode by said mode selection unit.” The combination of Brais and Anderson cannot be relied upon to teach or suggest at least these features of the claimed invention.

According to the invention as claimed, the user can select the voice recording mode or the character recording mode. When the user selects the voice recording mode, the voice data is recorded on the recording medium. When the user selects the character recording mode, the character data is recorded on the recording medium. In other words, the voice data or the character data is recorded on the recording medium in response to the user's selection.

Neither Brais nor Anderson can be relied upon to teach or suggest these features. For example, Brais merely describes being in one of a “dictation mode” or a “command mode.” Anderson merely describes a camera. Since neither Brais nor Anderson can be relied upon to teach or suggest the features of selecting voice or character recording mode and recording voice or

character data in the recording medium depending on the mode, the combination of Brais and Anderson also cannot be relied upon to teach or suggest the feature. Therefore, independent claim 1 is distinguishable over the combination of Brais and Anderson.

Independent claim 9 recites, in part “selecting a voice recording mode or a character recording mode,” “recording the obtained voice data on the recording medium in response a selection of the voice recording mode in said step of selecting the voice recording mode or the character recording mode” and “recording the generated character data on the recording medium in response to a selection of the voice recording mode in said step of selecting the voice recording mode or the character recording mode.” It has been demonstrated above that the combination of Brais and Anderson cannot be relied upon to teach or suggest at least these features. Therefore, independent claim 9 is distinguishable over the combination of Brais and Anderson.

Independent claim 17 recites, in part “a mode selection unit for selecting a voice recording mode or a text data recording mode,” “a voice sensing unit configured for sensing a voice and outputting voice data corresponding to the voice in response to a selection of the voice recording mode by said mode selection unit” and “a text data generating unit configured for generating text data corresponding to the voice data in response to a selection of the text data

recording mode by said mode selection unit.” It has been demonstrated above that the combination of Brais and Anderson cannot be relied upon to teach or suggest at least these features. Therefore, independent claim 17 is distinguishable over the combination of Brais and Anderson.

Independent claim 21 recites, in part “a combining unit configured for generating a combined image data by combining the image data and a visual representation of the text data.” In the Office Action, the Examiner alleges that Brais discloses all features of the claimed invention other than the feature that the components can be integrated together as a single digital camera. In other words, the Examiner alleges that the feature of the combining unit configured for generating the combined image data by combining the image data and the visual representation of the text data is taught by Brais.

Contrary to the Examiner's allegation, Brais cannot be so relied upon. Brais discloses a report generating system. As shown in Figure 1, the report generating system includes a camera 104, a display screen 110, and a microphone 106. The camera 104 is utilized to take images and transfer the corresponding image data to a computer 102 for storage. The voice data recorded via the microphone may also be processed by the computer 102. See *column 6, lines 46-56*. The voice data are provided to a speech-to-text system

and the speech-to-text system converts the digitized voice into text. *See column 5, lines 45-50.*

Brais only considers converting the speech into text data and not into a visual representation of the text data. Brais discloses that the speech-to-text may be performed by a PCMCIA card such as the IBM Voice-Type Dictation® to convert the speech into text. *See column 8, lines 30-33.* Thus, what is stored in memory after the speech-to-text conversion is merely text data, e.g. in the form of ascii data, of the speech. Brais is silent regarding whether the text data is further converted into a visual representation data and storing the visual representation of the text data.

Thus, Brais cannot be relied upon to teach or suggest the feature of generating a combined image data by combining the image data and a visual representation of the text data. Anderson has not been, and indeed cannot be, relied upon to correct for at least the above noted deficiency of Brais. Therefore, independent claim 21 is distinguishable over the combination of Brais and Anderson.

Claims 2-8, 12-16, 18-20, and 22-24 depend from independent claims 1, 17, or 21 directly or indirectly. Therefore, for at least the reasons stated above with respect to the independent claims, these dependent claims are also distinguishable over the combination of Brais and Anderson.

It should be noted that the dependent claims are also distinguishable on their own merit. For example, dependent claim 4 recites, in part “a determination unit for determining whether the digital still camera has a voice output unit when playback is performed,” “a second control unit, responsive to a determination by said determination unit that the camera has said voice output unit, for outputting the voice by the voice data to said voice output unit and halting display of characters represented by the character data” and “a third control unit, responsive to a determination by said determination unit that the camera does not have said voice output unit, for controlling a display unit so as to display the characters represented by the character data.” As recited, the voice is outputted from the voice output unit in response to a determination by the determination unit that the camera has the voice output unit and the display of characters is halted.

It is noted that there is nothing in Brais to indicate that there is a determination unit as recited. For this reason alone, claim 4 is distinguishable on its own merit. There are other reasons also.

For Example, in rejecting claim 4, the Examiner refers to column 12, lines 50-54 of Brais to allegedly teach the above-noted feature. The relied upon portion states, “It will be recognized by those of skill in the art that digital cameras do not all provide audible feedback.” Based on this statement, the

Examiner alleges that it is inherent if there is no audio feedback, the camera will only be able to select only the image data with the text data to display. If there is audio feedback, it will be able to select only images with voice data together to play.

The Examiner is taking the teachings of Brais out of context. In column 12, lines 45-50 which immediately precede the relied upon portion, Brais discusses ways in which prose and captured images may be linked through coupling of the audio and image capturing means. Brais discloses that an audible feedback may be provided to indicate that linking is being accomplished during image and voice capturing. The relied upon portion simply recognizes that not all cameras are capable of providing this audible feedback in column 12, lines 50-54. In short, the audible feedback teachings relied upon by the Examiner is only in the context of data capturing and not data playing. Clearly, reliance upon column 12, lines 50-54 of Brais is flawed.

In addition, the Examiner is apparently assuming image data may be related to either a voice data or to a text data, but not both. According to the Examiner's logic, if the camera has an audio feedback, then only the image data with related voice data are selected for output. If the camera does not have the audio feedback, then only the image data with related text data are selected.

The Examiner's logic is flawed. Claim 4 includes the feature that if the determination unit determines that there is a voice output unit, the display of the characters is halted, i.e. the characters are not displayed. In other words, even though the character data may be recorded on the recording medium, the characters are not displayed if the determination unit determines that there is a voice output unit. Conversely, if the determination unit determines that there is no voice output unit, the characters are displayed. There is no limitation whatsoever that image data can only be related to a voice data or a character data, but not both.

Clearly, claim 4 is distinguishable on its own merit for at least the reasons stated above.

Dependent claim 5 recites, in part "a second reading unit for reading the character data that has been recorded on the recording medium," "a second display unit for displaying characters represented by the character data that has been read by said second reading unit" and "an erasure control unit responsive to an erase command for erasing the voice data corresponding to the characters being displayed on said second display unit from the recording medium." As recited, the character data is read from the recording medium and the characters represented by the read character data are displayed on the display unit. Further, the voice data corresponding to the characters being

displayed is erased from the recording medium. Contrary to the Examiner's allegation, Brais cannot be relied upon to teach or suggest this feature.

The Examiner alleges that Brais discloses an erasure control unit responsive to an erase command and refers to column 11, lines 63-67. However, the relied upon portion of Brais merely disclose that in edit mode, erase command may be issued. The erase command may be issued to erase text, digitized voice or images within a report. There is no indication whatsoever that the voice data related to the characters being displayed is erased. Therefore, claim 5 is distinguishable on its own merit.

Dependent claim 6 recites, in part "wherein said image recording controller records the image data output by said image sensing device in response to input of a predetermined voice to said voice input unit." Contrary to the Examiner's allegation, Brais cannot be relied upon to teach or suggest at least this feature.

The Examiner refers to column 5, lines 22-30 and column 12, lines 45-50 to allegedly teach or suggest this feature. However, column 5, lines 22-30 of Brais merely indicate that speech may be recorded, the speech may be converted to text, text may be stored, and the text (and images) may be manipulated. Column 12, lines 45-50 merely indicate that image and prose may be associated. There is no indication whatsoever that the image recording

controller records the image in response to a predetermined voice. Clearly, claim 6 is distinguishable on its own merit.

Dependent claim 13 recites, in part “a determination unit for determining whether all of the image data, the voice data, and the character data are recorded on the recording medium in a form linked to each other, or only the image data and the character data are recorded on the recording medium in a form linked to each other,” “a sixth control unit, in response to a determination by said determination unit that all of the image data, the voice data, and the character data are recorded on the recording medium in a form linked to each other, for controlling a voice output unit of the camera in such a manner that the voice represented by the voice data is output and for controlling a display device in such a manner that the image represented by the image data and characters represented by the character data are output as a combined image” and “a seventh control unit, in response to a determination by said determination unit that only the image data and the character data are recorded on the recording medium in a form linked to each other, for controlling the voice output unit of the camera in such a manner that the voice represented by the voice data is output and for controlling the display device in such a manner that the image represented by the image data is output.”

As recited in claim 13, if all of the image data, the voice data, and the character data are recorded on the recording medium, then the voice output unit and the display device may be controlled to output the voice and to display the image and character data accordingly. On the other hand, if only the image data and the voice data are recorded, then the voice output unit and the display device may be controlled to output the voice and to display the image data accordingly. In other words, the type of output control applied is based on the types of data recorded on the recording medium.

Contrary to the Examiner's allegation, Brais cannot be relied upon to teach or suggest the above-recited feature. There are multiple reasons why the Examiner's reliance on Brais is flawed. As an example, Brais cannot even be relied upon to teach or suggest the feature of the determination unit as noted above.

As another example, the Examiner refers to column 12, lines 50-54 of Brais to allegedly teach the above-noted feature. However, it was demonstrated above that the relied upon portion does not apply in the context of outputting data. This is in clear contrast with claim 13 which recited controls for outputting image, voice, and character data.

Further, the type of control to provide audio feedback applied in the relied upon portion of Brais is based on the capabilities of the camera, i.e. the

device. This is to be contrasted with claim 13 wherein the control of the data playing based on the types of data recorded. In other words, the basis of control in claim 13 and Brais are completely different.

Yet further, the Examiner's logic fails. As indicated in Brais, not all cameras have audio feedback capability. Yet, the examples the Examiner chooses are situations that require the use of the speaker. One example chosen by the Examiner has a device outputting all data (voice, image, character) and the other example chosen has a device outputting only voice and image. The examples chosen do not logically follow the statement that not all cameras have audio feedback capability.

Clearly, claim 13 is distinguishable on its own merit.

For at least the reasons stated above, Applicants respectfully request that the rejection of claims 1-9 and 12-24 based on Brais and Anderson be withdrawn.

§ 103 REJECTION – BRAIS, ANDERSON, HAYASHI

Claims 10-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable Brais in view of Anderson and Hayashi (U.S. Patent No. 6,469,738). See *Office Action*, item 4. Applicant respectfully traverses.

It is noted that claims 10 and 11 depend from independent claim 1 and it has been shown above that claim 1 is distinguishable over the combination of Brais and Anderson. Hayashi has not been, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Brais and Anderson. Thus, independent claim 1 is distinguishable over the combination of Brais, Anderson, and Hayashi.

Due to at least the dependency thereon, claims 10-11 are also distinguishable over the combination of Brais, Anderson, and Hayashi. Applicants respectfully request that the rejection of claims 10-11 be withdrawn.

NEW CLAIMS

Claims 25-40 have been added through this Reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination.

Independent claim 25 recites, in part "converting the text data to character data, wherein the character data is a visual representation of the text data." Claims 26-27 depend from independent claim 25.

Independent claim 28, recites "outputting the related voice data only if it is determined that the related voice data is recorded in the storage medium" and "displaying only the image data or both the related character data and the

image data based on the result of the step of determining if the related voice data is recorded in the storage medium.” Claims 29-33 depend from independent claim 28.

Independent claim 34 recites, in part “a character data generating unit to enable generating character data representing the voice data output from said voice input unit, wherein the character data are expressed in image form.”

Independent claim 35 recites, in part “generating character data representing the obtained voice data, wherein the character data are expressed in image form.”

Independent claim 36 recites, in part “a determination unit for determining whether the digital still camera has a voice output unit when playback is performed” and “a control unit, responsive to a determination by said determination unit that the camera has said voice output unit, for outputting the voice by the voice data to said voice output unit and halting display of characters represented by the character data.”

Independent claim 37 recites, in part “a determination unit for determining whether the digital still camera has a voice output unit when playback is performed” and “a control unit, responsive to a determination by said determination unit that the camera does not have said voice output unit,

for controlling a display unit so as to display characters represented by the character data.”

Independent claim 38 recites, in part “a reading unit for reading the character data that has been recorded on the recording medium,” “a display unit for displaying characters represented by the character data that has been read by said second reading unit” and “an erasure control unit responsive to an erase command for erasing the voice data corresponding to the characters being displayed on said display unit from the recording medium.”

Independent claim 39 recites, in part “wherein said image recording controller records the image data output by said image sensing device in response to input of a predetermined voice to said voice input unit.”

Independent claim 40 recites, in part “a determination unit for determining whether all of the image data, the voice data, and the character data are recorded on the recording medium in a form linked to each other, or only the image data and the character data are recorded on the recording medium in a form linked to each other,” “a first control unit, in response to a determination by said determination unit that all of the image data, the voice data, and the character data are recorded on the recording medium in a form linked to each other, for controlling a voice output unit of the camera in such a manner that the voice represented by the voice data is output, and for

controlling a display device in such a manner that the image represented by the image data and characters represented by the character data are output as a combined image” and “a second control unit, in response to a determination by said determination unit that only the image data and the character data are recorded on the recording medium in a form linked to each other, for controlling the voice output unit of the camera in such a manner that the voice represented by the voice data is output, and for controlling the display device in such a manner that the image represented by the image data is output.”

Applicant respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a two (2) month extension of time for filing a response in connection


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with the present application and the required fee of \$450.00 is being filed concurrently herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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